

SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
Jason Yoon (SBN 306137)  
Kevin Hong (SBN 299040)  
101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
cm@SoCalEAG.com

Attorneys for Plaintiff  
CAMERON HARRELL

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CAMERON HARRELL,  
Plaintiff,  
vs.

FOOTHILL CARPET INC.; 9858-9860  
FOOTHILL BLVD LLC; and DOES 1 to  
10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff CAMERON HARRELL ("Plaintiff") complains of Defendants  
FOOTHILL CARPET INC.; 9858-9860 FOOTHILL BLVD LLC; and DOES 1 to 10  
("Defendants") and alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is  
3 diagnosed with complete paraplegia due to a spinal cord injury and is substantially  
4 limited in his ability to walk. Plaintiff requires the use of a wheelchair at all times when  
5 traveling in public.

6 2. Defendants are, or were at the time of the incident, the real property owners,  
7 business operators, lessors and/or lessees of the real property for a flooring and carpeting  
8 store ("Business") located at or about 9860 Foothill Blvd., Rancho Cucamonga,  
9 California.

10 3. The true names and capacities, whether individual, corporate, associate or  
11 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
12 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
13 Court to amend this Complaint when the true names and capacities have been  
14 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
15 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
16 Plaintiff for the acts herein alleged.

17 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
18 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
19 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
20 the things alleged herein was acting with the knowledge and consent of the other  
21 Defendants and within the course and scope of such agency or employment relationship.

22 5. Whenever and wherever reference is made in this Complaint to any act or  
23 failure to act by a defendant or Defendants, such allegations and references shall also be  
24 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
25 and severally.

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28 //

**JURISDICTION AND VENUE**

6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*).

7. Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same nucleus of operating facts, are also brought under California law, including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1, 54, 54., 54.3 and 55.

8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

9. Venue is proper in this court pursuant to 28 USC §1391(b). The real property which is the subject of this action is located in this district, San Bernardino County, California, and that all actions complained of herein take place in this district.

**FACTUAL ALLEGATIONS**

10. In or about December of 2023, Plaintiff went to the Business.

11. The Business is a flooring and carpeting store business establishment, open to the public, and is a place of public accommodation that affects commerce through its operation. Defendants provide parking spaces for customers.

12. While attempting to enter the Business during each visit, Plaintiff personally encountered a number of barriers that interfered with his ability to use and enjoy the goods, services, privileges, and accommodations offered at the Business.

13. To the extent of Plaintiff's personal knowledge, the barriers at the Business included, but were not limited to, the following:

- a. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants failed to post required signage such as "Van Accessible," and "Unauthorized Parking."
- b. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants

1 failed to provide proper van accessible space designated for the  
2 persons with disabilities as there were no “NO PARKING” markings  
3 painted on the surface of the access aisle.

4 c. Defendants failed to comply with the federal and state standards for  
5 the parking space designated for persons with disabilities. Defendants  
6 failed to paint the ground as required, as there were no blue  
7 borderlines marking the perimeter of both the accessible parking  
8 space and the accessible aisle.

9 d. Defendants failed to comply with the federal and state standards for  
10 the parking space designated for persons with disabilities. Defendants  
11 failed to provide an access aisle with level surface slope.

12 e. Defendants failed to comply with the federal and state standards for  
13 the parking space designated for persons with disabilities. Defendants  
14 failed to provide a proper accessible route as required, as the sidewalk  
15 cutout connecting the accessible aisle to the entrance of the building  
16 failed to meet the minimum width requirements, to the extent that it  
17 was unusable.

18 f. Defendants failed to comply with the federal and state standards for  
19 the parking space designated for persons with disabilities. The height  
20 of the posted required signages was lower than the height allowed by  
21 the standards.

22 14. These barriers and conditions denied Plaintiff full and equal access to the  
23 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
24 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
25 his knowledge of these violations prevents him from returning until the barriers are  
26 removed.

27 15. Based on the violations, Plaintiff alleges, on information and belief, that  
28 there are additional barriers to accessibility at the Business after further site inspection.

1 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
2 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

3 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
4 knew that particular barriers render the Business inaccessible, violate state and federal  
5 law, and interfere with access for the physically disabled.

6 17. At all relevant times, Defendants had and still have control and dominion  
7 over the conditions at this location and had and still have the financial resources to  
8 remove these barriers without much difficulty or expenses to make the Business  
9 accessible to the physically disabled in compliance with ADDAG and Title 24  
10 regulations. Defendants have not removed such barriers and have not modified the  
11 Business to conform to accessibility regulations.

## 12 **FIRST CAUSE OF ACTION**

### 13 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

14 18. Plaintiff incorporates by reference each of the allegations in all prior  
15 paragraphs in this complaint.

16 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
17 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
18 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
19 public accommodation by any person who owns, leases, or leases to, or operates a place  
20 of public accommodation. *See* 42 U.S.C. § 12182(a).

21 20. Discrimination, *inter alia*, includes:

- 22 a. A failure to make reasonable modification in policies, practices, or  
23 procedures, when such modifications are necessary to afford such  
24 goods, services, facilities, privileges, advantages, or accommodations  
25 to individuals with disabilities, unless the entity can demonstrate that  
26 making such modifications would fundamentally alter the nature of  
27 such goods, services, facilities, privileges, advantages, or  
28 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

- 1           b.     A failure to take such steps as may be necessary to ensure that no  
2               individual with a disability is excluded, denied services, segregated or  
3               otherwise treated differently than other individuals because of the  
4               absence of auxiliary aids and services, unless the entity can  
5               demonstrate that taking such steps would fundamentally alter the  
6               nature of the good, service, facility, privilege, advantage, or  
7               accommodation being offered or would result in an undue burden. 42  
8               U.S.C. § 12182(b)(2)(A)(iii).
- 9           c.     A failure to remove architectural barriers, and communication barriers  
10               that are structural in nature, in existing facilities, and transportation  
11               barriers in existing vehicles and rail passenger cars used by an  
12               establishment for transporting individuals (not including barriers that  
13               can only be removed through the retrofitting of vehicles or rail  
14               passenger cars by the installation of a hydraulic or other lift), where  
15               such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 16           d.     A failure to make alterations in such a manner that, to the maximum  
17               extent feasible, the altered portions of the facility are readily  
18               accessible to and usable by individuals with disabilities, including  
19               individuals who use wheelchairs or to ensure that, to the maximum  
20               extent feasible, the path of travel to the altered area and the  
21               bathrooms, telephones, and drinking fountains serving the altered  
22               area, are readily accessible to and usable by individuals with  
23               disabilities where such alterations to the path or travel or the  
24               bathrooms, telephones, and drinking fountains serving the altered area  
25               are not disproportionate to the overall alterations in terms of cost and  
26               scope. 42 U.S.C. § 12183(a)(2).

27           21.    Where parking spaces are provided, accessible parking spaces shall be  
28           provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every

1 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
2 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
3 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
4 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

5 22. Under the ADA, the method and color of marking are to be addressed by  
6 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
7 Building Code (“CBC”), the parking space identification signs shall include the  
8 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
9 with a minimum area of 70 square inches. Additional language or an additional sign  
10 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
11 parking space identification sign shall be permanently posted immediately adjacent and  
12 visible from each parking space, shall be located with its centerline a maximum of 12  
13 inches from the centerline of the parking space and may be posted on a wall at the  
14 interior end of the parking space. See CBC § 11B-502.6, et seq.

15 23. Moreover, an additional sign shall be posted either in a conspicuous place at  
16 each entrance to an off-street parking facility or immediately adjacent to on-site  
17 accessible parking and visible from each parking space. The additional sign shall not be  
18 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
19 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in  
20 designated accessible spaces not displaying distinguishing placards or special license  
21 plates issued for persons with disabilities will be towed away at the owner’s expense...”  
22 See CBC § 11B-502.8, et seq.

23 24. Here, Defendants failed to provide the sign stating, “Van Accessible” and  
24 the additional sign with the specific language stating “Unauthorized vehicles parked in  
25 designated accessible spaces not displaying distinguishing placards or special license  
26 plates issued for persons with disabilities will be towed away at the owner’s expense...”

27 25. For the parking spaces, access aisles shall be marked with a blue painted  
28 borderline around their perimeter. The area within the blue borderlines shall be marked



1 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
2 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
3 be painted on the surface within each access aisle in white letters a minimum of 12 inches  
4 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
5 11B-502.3.3.

6 26. Here, Defendants failed to provide a proper access aisle as there were no  
7 "NO PARKING" markings, blue borderlines, or blue hatched lines painted on the parking  
8 surface.

9 27. Under the 1991 Standards, parking spaces and access aisles must be level  
10 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
11 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
12 shall be part of an accessible route to the building or facility entrance and shall comply  
13 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
14 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
15 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
16 directions. 1991 Standards § 4.6.3.

17 28. Here, the access aisle is not level with the parking spaces. Under the 2010  
18 Standards, access aisles shall be at the same level as the parking spaces they serve.  
19 Changes in level are not permitted. 2010 Standards § 502.4. "Access aisles are required  
20 to be nearly level in all directions to provide a surface for transfer to and from vehicles."  
21 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is permitted.

22 29. At least one accessible route shall connect accessible building, facilities,  
23 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public  
24 accommodation shall maintain in operable working condition those features of facilities  
25 and equipment that are required to be readily accessible to and usable by persons with  
26 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

27 30. Here, Defendants failed to provide at least one accessible route to the  
28 entrance as the sidewalk cutout connecting the accessible aisle to the entrance of the



1 building failed to meet the minimum width requirements, to the extent that it was  
2 unusable.

3 31. Signs shall be 60 inches (1525 mm) minimum above the finish floor or  
4 ground surface measured to the bottom of the sign. 2010 ADA Standards § 502.6.

5 32. Here, Defendants failed to post signage at the required minimum height of  
6 60 inches above the finish floor or ground surface measured to the bottom of the sign.

7 33. A public accommodation shall maintain in operable working condition those  
8 features of facilities and equipment that are required to be readily accessible to and usable  
9 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

10 34. By failing to maintain the facility to be readily accessible and usable by  
11 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
12 regulations.

13 35. The Business has denied and continues to deny full and equal access to  
14 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
15 discriminated against due to the lack of accessible facilities, and therefore, seeks  
16 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
17 by individuals with disabilities.

## 18 **SECOND CAUSE OF ACTION**

### 19 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

20 36. Plaintiff incorporates by reference each of the allegations in all prior  
21 paragraphs in this complaint.

22 37. California Civil Code § 51 states, "All persons within the jurisdiction of this  
23 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
24 national origin, disability, medical condition, genetic information, marital status, sexual  
25 orientation, citizenship, primary language, or immigration status are entitled to the full  
26 and equal accommodations, advantages, facilities, privileges, or services in all business  
27 establishments of every kind whatsoever."  
28

1           38. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
2 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable  
3 for each and every offense for the actual damages, and any amount that may be  
4 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
5 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
6 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
7 person denied the rights provided in Section 51, 51.5, or 51.6.

8           39. California Civil Code § 51(f) specifies, “a violation of the right of any  
9 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
10 shall also constitute a violation of this section.”

11           40. The actions and omissions of Defendants alleged herein constitute a denial  
12 of full and equal accommodation, advantages, facilities, privileges, or services by  
13 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
14 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
15 51 and 52.

16           41. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
17 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
18 damages as specified in California Civil Code §55.56(a)-(c).

19                           **THIRD CAUSE OF ACTION**

20                   **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

21           42. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23           43. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
24 entitled to full and equal access, as other members of the general public, to  
25 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
26 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
27 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
28 of transportation (whether private, public, franchised, licensed, contracted, or otherwise

1 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
2 places of public accommodations, amusement, or resort, and other places in which the  
3 general public is invited, subject only to the conditions and limitations established by  
4 law, or state or federal regulation, and applicable alike to all persons.

5 44. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
6 corporation who denies or interferes with admittance to or enjoyment of public facilities  
7 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
8 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
9 the actual damages, and any amount as may be determined by a jury, or a court sitting  
10 without a jury, up to a maximum of three times the amount of actual damages but in no  
11 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
12 determined by the court in addition thereto, suffered by any person denied the rights  
13 provided in Section 54, 54.1, and 54.2.

14 45. California Civil Code § 54(d) specifies, “a violation of the right of an  
15 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
16 constitute a violation of this section, and nothing in this section shall be construed to limit  
17 the access of any person in violation of that act.

18 46. The actions and omissions of Defendants alleged herein constitute a denial  
19 of full and equal accommodation, advantages, and facilities by physically disabled  
20 persons within the meaning of California Civil Code § 54. Defendants have  
21 discriminated against Plaintiff in violation of California Civil Code § 54.

22 47. The violations of the California Disabled Persons Act caused Plaintiff to  
23 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
24 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 25 **FOURTH CAUSE OF ACTION**

#### 26 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

27 48. Plaintiff incorporates by reference each of the allegations in all prior  
28 paragraphs in this complaint.

1           49. Plaintiff and other similar physically disabled persons who require the use of  
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
3 such facility is in compliance with the provisions of California Health & Safety Code §  
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
5 provisions of California Health & Safety Code § 19955 et seq.

6           50. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
7 that public accommodations or facilities constructed in this state with private funds  
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
9 Title 1 of the Government Code. The code relating to such public accommodations also  
10 require that “when sanitary facilities are made available for the public, clients, or  
11 employees in these stations, centers, or buildings, they shall be made available for  
12 persons with disabilities.

13           51. Title II of the ADA holds as a “general rule” that no individual shall be  
14 discriminated against on the basis of disability in the full and equal enjoyment of goods  
15 (or use), services, facilities, privileges, and accommodations offered by any person who  
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
17 Further, each and every violation of the ADA also constitutes a separate and distinct  
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
19 award of damages and injunctive relief pursuant to California law, including but not  
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## 21                                   **FIFTH CAUSE OF ACTION**

### 22                                   **NEGLIGENCE**

23           52. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25           53. Defendants have a general duty and a duty under the ADA, Unruh Civil  
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
27 to the Plaintiff.  
28

54. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

55. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: March 14, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff